

STATE OF SOUTH CAROLINA

(Caption of Case)

Application of LifeConnex Telecom, LLC for
Authority to Operate as a Reseller of Interexchange
Telecommunications Services within the State of
South Carolina and to be Regulated in Accordance
with Procedures Established for Alternative
Regulation

224349
BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

JUN 10 2010

DOCKET

NUMBER: 2010 - 180 - C

(Please type or print)

Submitted by: Scott Elliott

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Columbia, SC 29201

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Other:

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

- ☐ Emergency Relief demanded in petition ☐ Request for item to be placed on Commission's Agenda expeditiously
- ☒ Other: Please see Motion seeking confidential treatment of financial information.

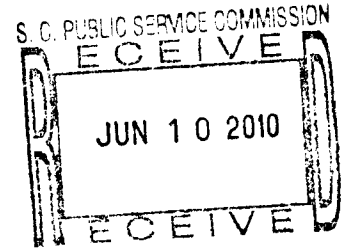
INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input checked="" type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input checked="" type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input checked="" type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

ELLIOTT & ELLIOTT, P.A.
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SCOTT ELLIOTT

TELEPHONE (803) 771-0555
FACSIMILE (803) 771-8010

June 8, 2010



Jocelyn D. Boyd, Esquire
Chief Clerk and Administrator
South Carolina Public Service Commission
101 Executive Center Drive
Columbia, SC 29210

RE: Application of LifeConnex Telecom, LLC for Authority to
Operate as a Reseller of Interexchange Telecommunications
Services within the State of South Carolina and to be Regulated in
Accordance with Procedures Established for Alternative
Regulation in Order Nos. 95-1734 and 96-55 in Docket No. 95-166-C
Docket No.: 2010-180-C

Dear Ms. Boyd:

Enclosed please find for filing a motion to treat the financials of LifeConnex Telecom, LLC as confidential. I am filing the financials under seal and providing copies to the Office of Regulatory Staff.

I have enclosed an extra copy of the motion that I would ask you to date stamp and return to my office in the self-addressed, stamped envelope provided. *ve*

If you have any questions or if I may provide you with any additional information, please do not hesitate to contact me.

Sincerely,

Elliott & Elliott, P.A.

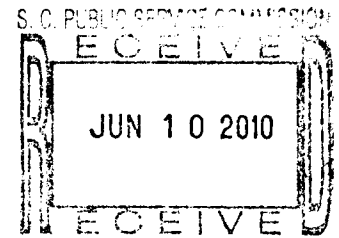

Scott Elliott

SE/mlw

Enclosures

cc: Nanette S. Edwards, Esquire w/enc.
Lance J.M. Steinhart, Esquire

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**



In the Matter of the Application of LifeConnex)
Telecom, LLC for Authority to Operate as a)
Reseller of Interexchange Telecommunica-)
tions Services within the State of South Carolina)
and to be Regulated in Accordance with)
Procedures Established for Alternative)
Regulation in Order Nos. 95-1734 and)
96-55 in Docket No. 95-166-C)

Docket No. 2010-180-C

**MOTION FOR PROTECTIVE TREATMENT AND
BASIS FOR FILING ATTACHMENT 5 AS TRADE
SECRET**

Introduction

LifeConnex Telecom, LLC ("Applicant"), by its attorneys and pursuant to S.C. Code Ann. § 39-8-10, *et seq.*, and all other applicable rules, statutes and regulations, hereby files this Motion for Protective Treatment ("Motion") in the above-captioned proceeding. By this Motion, the Applicant seeks protective treatment by the South Carolina Public Service Commission ("Commission"), of certain commercially-sensitive financial statements attached as *Attachment 5*, filed as Trade Secret to the Application of LifeConnex Telecom, LLC for Authority to Operate as a Reseller of Interexchange Telecommunications Services within the State of South Carolina ("Application"). These same financial statements are provided as an attachment to the Direct Testimony of Paul Watson.

In support of this Motion, the Applicant provides the following:

1. The exact legal name, address and telephone number of the Applicant is:

LifeConnex Telecom, LLC
13700 Perdido Key Drive, Unit 222
Pensacola, Florida 32507
Telephone: (866)744-0949

2. Correspondence or communications regarding this Motion should be addressed to:

Lance J.M. Steinhart, Esq.
Lance J.M. Steinhart, P.C.
1720 Windward Concourse, Suite 115
Alpharetta, Georgia 30005
(770)232-9200 (Phone)
(770)232-9208 (Fax)
lsteinhart@telecomcounsel.com

Local Counsel:
Scott Elliott, Esquire
Elliott & Elliott, P.A.
1508 Lady Street
Columbia, SC, 29201
803-771-0555 (Phone)
803-771-8010 (Fax)
selliott@elliottlaw.us

I. Description of Confidential Information.

3. The Application requires the Applicant to disclose evidence of financial fitness through the submission of documentation of its financial resources and ability to provide the requested service. In conformity with this requirement, the Applicant submits copies of its financial statements. These documents contain highly confidential and strictly proprietary information, the public disclosure of which may result in direct, immediate and substantial harm to the competitive position of the Applicant in South Carolina and elsewhere.

II. Grounds for Claim of Confidentiality.

4. The Applicant is presently immune from a legal obligation to prepare or submit projected financial statements, or any other financial information, to any public entity. As such, the financial statements attached as *Attachment 5* to the Application and attached to the Direct Testimony of Paul Watson are not readily available to persons external to Applicant.

5. Because the projected financial statements submitted by the Applicant in support of the Application contain confidential and commercially-sensitive information from which its competitors may derive economic value, the Applicant seeks to protect such material from public disclosure. The Applicant derives independent economic value from the fact that significant, detailed and proprietary information regarding its financial structure and current financing activities is unknown to its competitors. As such, the Company's financial statements are a "trade secret" as that term is used in South Carolina Trade Secrets Act. *S.C. Code Section 39-8-20(5)*. Given this fact,

the disclosure of this information could provide existing and potential competitors, including interexchange carriers (“DCCs”) in South Carolina, as well as in other states in which the Applicant provides or intends to provide telecommunications service, with an unfair and undeserved competitive advantage.

6. The Applicant clarifies herein that its request for protection applies only to the documents attached as *Attachment 5* to the Application and the attachment to the Direct Testimony of Paul Watson. The Applicant is not seeking protection of any type for those reports the Applicant is required to file with the Office of Regulatory Staff (“ORS”) should the relief sought in the Application be granted: the Annual Report Form, Gross Receipts Report, and Universal Service Fund Worksheet.

CONCLUSION

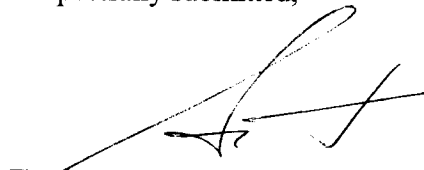
7. The financial information included in support of the Applicant’s Application and as attachment to the Direct Testimony of Paul Watson, for which Confidential Treatment is sought, is both proprietary and competitively-sensitive. The substantial and direct harm that could be caused to the Applicant as a result of any disclosure is real and not speculative. Moreover, to date, no other jurisdiction or governmental agency has required the Applicant to make this information available to the public. For all these reasons, the projected financial statements attached as *Attachment 5* to the Application and attachment to the Direct Testimony of Paul Watson should be protected from public disclosure by the Commission.

WHEREFORE, the Applicant respectfully requests that the South Carolina Public Service Commission grant this Motion for Protective Treatment with respect to the audited financial statements attached as *Attachment 5* to the Application of LifeConnex Telecom, LLC, for Authority to Operate as a Reseller of Interexchange Telecommunications Services within the State of South Carolina and attachment to the Direct Testimony of Paul Watson filed *under seal* as Confidential

in this proceeding.

Dated this 8th day of June, 2010

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Scott Elliott', written over a horizontal line.

Scott Elliott
ELLIOTT & ELLIOTT, P.A.
1508 Lady Street
Columbia, SC 29201
Telephone: (803) 771-0555
selliott@elliottlaw.us
Attorneys for Applicant

CERTIFICATE OF SERVICE

The undersigned employee of Elliott & Elliott, P.A. does hereby certify that she has served below listed parties with a copy of the pleading(s) indicated below by mailing a copy of same to them in the United States mail, by regular mail, with sufficient postage affixed thereto and return address clearly marked on the date indicated below:

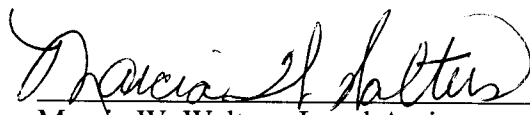
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DOCKET NO.: 2010-180-C

PARTIES SERVED: Nanette S. Edwards, Esquire
Office of Regulatory Staff
P.O. Box 11263
Columbia, SC 29211

PLEADING: MOTION FOR PROTECTIVE TREATMENT

June 8, 2010



Marcia W. Walters, Legal Assistant

